

**MINUTES OF THE
CITY PLANNING COMMISSION
MARCH 16, 2007
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:07 a.m.

Commission Members:

Present: Caleb Faux, Jacquelyn McCray, James Tarbell, Milton Dohoney, Rainer vom Hofe, and John Schneider. (Mr. Dohoney arrived at 9:33 a.m.)

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Rodney Ringer, Steve Briggs, Adrienne Cowden and Jennifer Walke.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the March 2, 2007 Planning Commission meeting for approval.

Motion:	Mr. vom Hofe moved approval of minutes.
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

Ms. Wuerstle requested that Item #10 be removed from the agenda. Ms. Laura Proter had called shortly before the Planning Commission Meeting and requested that this item be removed so that additional negotiation could take place. Mr. Faux removed Item #10 from the agenda.

CONSENT ITEMS

Ms. McCray asked that Item #1 be moved to the discussion items section to allow for questions and discussion. The Commission agreed.

ITEM #2 A report and recommendation on an ordinance authorizing the City Manager to enter into a rental agreement with Enterprise Rent-A-Car for

office space in the Lunken Administration Building's North Terminal and the use of 12 parking spaces in the adjoining parking lot.

ITEM #3 A report and recommendation on an ordinance approving and authorizing the transfer of an approximate 0.447 acre parcel of Park Property located on the northeastern portion of Evanston Park (aka "Evanston Playfield"), in the Evanston community, to Neyer Properties Incorporated (the "Keystone Parke Developer"), for the benefit of the Keystone Parke project.

ITEM #4 A report and recommendation on an ordinance accepting and confirming a deed of general warranty from Duke Energy Corporation, conveying to the City of Cincinnati Park Board approximately 0.655 acres of real property located at 2111 Dana Avenue, in the Evanston community.

ITEM #5 A report and recommendation on an ordinance authorizing the City Manager to enter into a lease agreement for the lease of 35,429 square feet of City-owned real property located along the right-of-way known as Realistic Avenue, south of Dana Avenue, to Neyer Properties, Incorporated for the benefit of the Keystone Parke project (formerly "The Keystone" project).

ITEM #6 A report and recommendation on an ordinance authorizing the grant of a Temporary Construction Easement to Neyer Properties, Inc., Dana Residential Investment, Ltd., Keystone Parke I, LLC and Keystone Parke II, LLC (collectively the "Keystone Parke Developer") for the benefit of the Keystone Parke project.

Motion: Ms. McCray moved approval of Consent Items #2 - #6.
Second: Mr. vom Hofe
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #1 A report and recommendation on an ordinance authorizing the City Manager to enter into and execute an Agreement of Lease with the Queensgate Terminals, LLC, for real property located south of River Road, Sixth Street and west of Mehring Way, designated as Hamilton County Auditor's Parcel 149-10-97.

Ms. Adrienne Cowden, Senior Planner presented this item.

BACKGROUND / DISCUSSION

On February 5, 2007, the City settled a mandamus lawsuit filed jointly by Hilltop Basic

Resources (Hilltop) and Queensgate Terminals (Queensgate) demanding the City file appropriation action to purchase Hilltop's 30-acre site south of River Road and west of Mehring Way. Since most of the property will be needed for the Waldvogel Viaduct Replacement Project the City purchased the site from Hilltop. Relocation of railroad lines south of River Road is scheduled for 2009, and the roadway work is scheduled for 2010-2011.

Queensgate, which had a lease/purchase option on the property prior to the initiation of the suit, requested a lease of any property that will not be needed for the Waldvogel project to create a multi-modal transshipping facility along the Ohio River. This transshipping facility will feed freight to a significantly larger facility Queensgate is developing near Jeffersonville, Ohio. The City agreed to allow Queensgate to occupy the entire site until the City needs property for the Waldvogel project. Queensgate will then move its operation to residual, unneeded portions of the site until construction is complete. If there is a sufficient amount of property left after completion of the Waldvogel project, Queensgate will continue their operation on the site. Otherwise, they can terminate the lease. The lease has an initial term of five years with the right to renew for five additional consecutive terms of five years each. The rent is \$15,000 per acre or \$350,000 per year; but as part of the settlement the City has agreed to abate the rent for the first three years.

The *Lower Price Hill Industrial Area Urban Renewal Plan* (2003) indicates that the site should be studied to determine the best future use, with a neighborhood park cited as one possibility. The City Planning Commission will be considering another plan, the *Cincinnati Park Board Centennial Master Plan* (2007), in April. The most recent draft recommends a "confluence park" at the Mill Creek and Ohio River east of the subject property. It also discusses continuity of the stream parkway system along the Ohio River and Mill Creek as well as neighborhood reforestation in Lower Price Hill. While these recommendations and objectives could include the subject property, the plan does not specifically discuss this site.

The proposed lease will not result in an adverse effect on the property under consideration or the surrounding neighborhood. It will not impede the Waldvogel project and the proposed use as a staging area and transshipping facility conforms to the existing Riverfront Commercial (RF-C) and Riverfront Manufacturing (RF-M) zoning. Rezoning the property to a zoning classification that would permit parks and recreation represents a significant change in use. The riverfront west of the Central Business District has historically been the City's working riverfront. From a land use perspective the subject property represents a suitable site for a commercial or manufacturing development that requires river and/or rail access. The property is large enough for various types of operations and would permit a flexible development for a riverfront facility that would create jobs and strengthen the City's tax base. A park/recreational use is not advisable while the property is still viable for productive commercial / manufacturing, tax generating businesses.

RECOMMENDATION

The Department of Community Development & Planning staff recommended that the City Planning Commission authorize the City Manager to enter into and execute an

Agreement of Lease with Queensgate Terminals, LLC, for real property located south of River Road, Sixth Street and west of Mehrling Way, designated as Hamilton County Auditor's Parcel 149-10-97.

DISCUSSION

Ms. Cowden gave a brief overview of the proposed Lease Agreement and presented a map of the site. She distributed a packet of correspondence from community members indicating strong concerns with the proposal. She also distributed a motion from Councilmember Cranley indicating his support of using the site for green space.

Mr. vom Hofe asked the proximity of the site to downtown Cincinnati and if there were any alternative sites. Ms. Cowden answered that the central business district is approximately two miles from the site and that she did not have information on alternative sites. He asked if there would be an increase in traffic on local roads if the proposed Lease Agreement was finalized. Ms. Martha Kelley, Department of Traffic and Engineering (DOTE) stated that the main purpose for purchasing the property was for the Waldvogel Viaduct Replacement Project. She said the DOTE felt that the traffic levels in regards to Queensgate would be appropriate for the area.

Mr. Faux stated that he recalled from previous discussions that access to the site was difficult. Ms. Kelley stated that access would be through a driveway under the bridge and that the majority of the traffic would be barge to rail. She said the location of the access road would be based on track location and would be decided by the railroad engineers.

Mr. Schneider asked if access for a park would be possible. Ms. Kelley stated that frequent public access, whether vehicular or pedestrian, would be problematic. Ms. Kelley explained that the railroad engineers would determine the location of the tracks and that any plans for the site would be contingent on their decision.

Mr. Tarbell stated that park plans for the site were included in a previous plan. Ms. Cowden explained that the 1992 Plan included a portion of a continuous recreational trail way and spoke to partial use of the site. The Plan indicated that green space would be needed but did not specifically dedicate land. Mr. Steve Schuckman, of the City Parks and Recreation Department, concurred with Ms. Cowden's statement.

Mr. Faux stated that he understands the desire of community members to use this site for recreation. Realistically, Cincinnati is one of the largest port cities on the Ohio River and shipping is an important part of the City economy. He explained that he felt that the City Planning Commission was being asked to make a far-reaching decision without the benefit of a Master Plan for the City. He stated that the role of the City Planning Commission was to step back and look at the larger picture and make decisions based on what was most advantageous for the City as a whole.

Mr. Tarbell stated that he was troubled that a long-term lease was being considered by the Planning Commission without a Master Plan to guide their decision. He asked Ms. Cowden the length of the lease and she reviewed the terms.

Mr. Dohoney arrived at 9:33 a.m.

Mr. James McCarthy, Attorney representing Queensgate Terminals, referred to the staff report which stated that the proposed use as a staging area and transshipping facility conforms to the existing Riverfront Commercial (RF-C) and Riverfront Manufacturing (RF-M) zoning. He stated that DOTE has approved the proposal as well.

Councilmember John Cranley stated that Hilltop Basic Resources sued the City to buy their property since most of the property would be needed for the Waldvogel Viaduct Replacement Project. He said he came to the Planning Commission meeting to help change the course for this property. He said that he believed that the west side citizens want and deserve some of the benefits that the east side has always enjoyed. He stated that the City owns this property and they should keep it. He said that although the income generated by Queensgate is beneficial to the City, he believed green space to be a higher and better use.

Mr. Faux stated that he has great sympathy for the community's wish for a desirable neighborhood. He asked if the City was chipping away at and eventually eliminating river commerce. He asked to what extent shipping contributes to the local economy.

Mr. Cranley stated that there are still many industrial sites on the western riverfront. He stated that this site has been vacant for ten years and that the market is headed in a different direction. He stated that the City should embrace a higher quality of living for the Westside neighborhoods.

Mr. McCarthy described the City's efforts in the past to establish a use for the property. He said that the rail lines will be relocated and whatever space is left from that process will never be a pristine green space.

Mr. David Martin, owner of Queensgate Terminals, gave a brief history of the proposed project and emphasized that the site was vital in creating a multi-model transshipping facility along the Ohio River. This transshipping facility would feed freight to a significantly larger facility that Queensgate is developing near Jeffersonville, Ohio. He stated that this property is the best site available that has both river access and access to Rail America lines. He said that initially the operation would be primarily barge to truck. Once the rails are moved the operation would switch almost exclusively barge to rail. He stated that he wants to work cooperatively with the City. Mr. Schneider asked what the site would look like in one year. Mr. Martin said the concrete would be crushed and spurs and tracks laid. A minimal number of buildings would be constructed along with a crane and other equipment necessary for the transfer of materials. It would be built in phases depending on the Waldvogel Viaduct project and the railroad construction.

Mr. Peter Ridder, member of the East Price Hill Improvement Association, read a letter from President, Dan Boller stating that the Association was opposed to the lease due to concerns regarding the view corridors, emissions and traffic among other things. Mr. Ridder added that he was afraid of the possibility of activities that would produce noise, pollution and unsightly bulk storage. Ms. Cowden stated that outdoor storage was a conditional use and would not be permitted without a public hearing.

Mr. Doug Kohls, President of the Sedamsville Community Council, stated that the Council was opposed to the lease.

Mr. Tom Croft, resident of East Price Hill, stated that an alternate site should be explored. He said that he was opposed to the lease because it would be detrimental to the City's two most valuable resources, the riverfront and hillsides.

Ms. Mary Croft, raised in Lower Price Hill, stated that she is very active in the community and that she is very concerned about the view corridors. She stated that the lease with Queensgate would be negative for the neighborhood. Mr. Schneider asked her if she could imagine the neighborhood would be comfortable with a tighter lease. Ms. Croft answered that any lease with Queensgate would be unacceptable.

Dr. Howard Stafford, Professor Emeritus, University of Cincinnati specializing in industrial geography, stated that he supported Councilman Cranley's proposal to use the site as a park. Mr. vom Hofe asked Dr. Stafford if he saw any economic benefits to the city or neighborhood from the Queensgate lease. Dr. Stafford stated that he did not see any direct benefit. Most of the operation is not river based – most of the transport is by truck and little is moved by rail.

Mr. Dave Martin stated that the driving force behind the project is the elimination of truck by 2010. Also, there will be no stockpiling because a stem wall with rail on top will be built so that barges can unload directly to the rail.

Mr. Tarbell stated that he was troubled by the lack of a Master Plan but felt it would not be a reason to delay a decision on this item.

Motion:	Mr. Tarbell moved disapproval of Item #1 and the staff recommendation.
Second:	Mr. Schneider
Ayes:	Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

ITEM #7 A report and recommendation on an ordinance authorizing the City Manager to enter into Amendment No. 2 with Broadway Development 2001, Ltd. for the City-owned property at Seventh Street and Broadway Avenue.

Ms. Jennifer Walke, Senior Planner presented this item.

BACKGROUND:

The City and Broadway Development 2001, Ltd. (Redeveloper) entered into a Lease Agreement for Private Redevelopment on March 29, 2002 which grants to the Redeveloper certain Air Rights over a City-owned garage. The City and Redeveloper entered into Amendment No. 1 to the Lease Agreement (“Amendment No. 1”) as of April 18, 2006, relative to the rights to ground level retain space in the garage.

The Lease Agreement requires the Redeveloper to obtain a building permit for the proposed 12-story residential tower over the existing City-owned parking garage on or before June 1, 2007. Once the building permit is issued, the Redeveloper must repay the City for the \$2 Million of costs for design and construction of structural overbuild in the City-owned parking garage at Seventh Street and Broadway. The overbuild was designed to accept the 12-story tower, as designed by Broadway Development.

The Redeveloper anticipated that the demand for residential housing units in downtown Cincinnati would support the commencement of construction of residential units in the Air Rights on or prior to June 1, 2007. To date, Redeveloper has been unable to commence such construction due to the lack of demand for the units to be constructed in the Air Rights. In order to afford Redeveloper additional time to commence such construction, City and Redeveloper have agreed to amend the Lease Agreement and Amendment No. 1.

Amendment No. 2 will extend the date of commencement of construction of the residential tower to June 1, 2010.

RECOMMENDATION:

Department of Community Development and Planning staff recommend that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into Amendment No. 2 with Broadway Development 2001, Ltd. for the City-owned property at Seventh Street and Broadway Avenue in the Central Business District.

DISCUSSION

Mr. Patrick Ewing, of Economic Development, gave a brief history of the Lease Agreement between the City and Broadway Development 2001, Ltd. He explained that the developers Mr. Rick Kimbler and Mr. Anthony Hobson were present at the Planning Commission meeting held March 2, 2007 but left after their matter had been discussed and were not present when the matter was reopened later in the meeting.

Mr. Schneider left the meeting at 10:51 a.m. Ms. McCray left the meeting at 10:52 a.m.

Mr. Tarbell stated that he publicly apologized for not hearing the matter in a timely manner. He explained that he felt the development of the Seventh Street and Broadway Avenue was the single greatest opportunity in the center city. He stated that he felt a three-year extension would be a serious mistake. He suggested a one year term or a three year term tied to performance.

Mr. Schneider returned to the meeting at 10:56 a.m. Ms. McCray returned to the meeting at 11:02 a.m.

Mr. Kimbler stated that he and his partners have been more active in development in the past ten years than any other developers, other than Towne Properties. He described his properties and projects and stated that he and his partners are committed to the Seventh and Broadway site. He gave an overview of the efforts that have been made to development of the property and stated that thus far, none have proved successful. He stated that a one-year lease would not be acceptable. He also stated that the project was never designed as a condominium project but as an apartment project. Mr. Kimbler also pointed out that while this was a good site it did not have a view of the river. Mr. Hobson pointed out that they needed to get \$1.50/s.f. to make this project work. Currently they are getting \$1.00/s.f. for rental units and have been getting \$1.00/s.f for 6 years.

Mr. Hobson stated that he and his partners had achieved tremendous success. He said they had actively poured their money, time and passion into the City. He said that for all they have done in the past ten years they have not “made a dime”. He assured the Planning Commission that “We’re the good guys. We do it and make it happen.” He stated that everything he said was indisputable and challenged anyone to disagree.

Mr. Tarbell stated that he felt it was not acceptable to wait three more years on the status quo. Mr. Hobson answered that he is asking for three more years and pledged to work his hardest to develop the site. He stated that if the lease were not approved, it would send a negative message about negotiating with the City. He said that based on the record and reputation of the players, there should be a level of trust. Mr. Kimbler added that it was a good site but that the market was not yet ready for the development. Mr. Kimbler and Mr. Hobson described some of the financial requirements that would allow development.

Mr. Dohoney stated that in this situation the City is not dealing with people without a track record. He stated that the Administration’s position was that they support the current developers. He said that it was valid to note that there was a softening of the market nationally. Mr. vom Hofe asked what options there were for the developers. Mr. Dohoney stated that they could possible reconfigure the project but that the timing was not right to develop the site. He agreed that it was frustrating to wait three years but it was fair to look at the track record and allow the time requested.

Motion: Ms. McCray moved approval of Item #7.
Second: Mr. Dohoney

Ayes: Mr. Faux, Ms. McCray, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays: Mr. Tarbell, **motion carried**

ITEMS #8 and 9 were set aside to allow for #11 to be heard next.

ITEM #10 was removed from the Agenda.

ITEM #11 A report and recommendation on the Northside Comprehensive Land Use Plan (NCLUP) dated September 2006.

Mr. Rodney Ringer, Senior Planner presented this item.

BACKGROUND

This plan was development by the Community of Northside, which has asked the Department of Community Development and Planning (DCDP) staff to present the plan to the City Planning Commission (CPC) for approval. This plan had previously been brought to the CPC on September 16, 2005. The CPC asked staff to facilitate an initial meeting between the Northside Community Council and business owners in Northside, because various businesses believed that they were not included in the planning process. On October 11, 2005 a meeting was held at the McKie Recreation Center to discuss issues between the Northside Community Council (NCC) and the Northside Business Association (NBA). Staff also met with representatives of the steering committee on October 20, 2005 to discuss various aspects of their plan.

The Northside Business Association Steering Committee, which consisted of 9 representatives met 9 times from January 2006 to August 2006 to discuss and forge a compromise regarding the hotly contested zoning issues in the MG Districts. The Steering Committee presented the final new zoning proposals to 20 industrial property owners in attendance at a meeting held on September 11, 2006 at the McKie Recreation Center. On September 18, 2006 the Northside Community Council approved the revised NCLUP. The plan was also approved by the NBA on November 6, 2006. Copies of the plan were handed out to City Planning Commission (CPC) members at the March 2, 2007 CPC meeting.

PLANNING AREA

The study area includes the entire Northside Community.

PLAN OVERVIEW

The Plan provides an overview of the existing land use conditions including: quality of life, housing, commercial development, and green space development. Recommendations and implementation strategies are found on pages 72 through 85. The following are the implementation strategies:

Recommended Zone Changes:

- There are 38 suggested zone change areas. There is also a proposal to create a new “MG-NSO”, Manufacturing General-Northside Overlay Zoning District as part of the 38 recommended zone changes (Exhibit B).

Quality of Life:

- Forums for community dialogue on education and cultural diversity.
- Creation of a Chase Cultural Campus, which would redevelop the Chase Elementary School and McKie Community Center site to accommodate a new community cultural campus.
- Develop a second school plan & implementation process.
- Establish a Northside Community Fund. The fund has already been established. However, programs should be developed that would work with residents, associations and institutions to develop projects that reflect the neighborhood’s priorities.

Quality Housing Choices:

- Work on targeted code and property improvements in the southern residential areas with the initial focus on Fergus Street.
- Create a marketing program that will showcase Northside as a great place to buy a house and invest in the neighborhood.
- Work to create new housing on Cresap Avenue, implement the Colerain Connector Plan, and complete development at Rockford Woods. Housing will be an ownership product that respects hillside locations and provides a mix of price points.

Commercial Reuse:

- Upgrade the 4000 block of Hamilton Avenue. The Northside Business Association along with area developers will purchase, renovate and release properties to improve the overall character and the mix of goods and services in the neighborhood.
- Create the Gateway Circulation and HUB Project that will work together to address the need for a bus hub at the Ludlow Viaduct/ Hamilton Avenue/ Spring Grove Avenue intersection. Together they will create alternatives for consideration and press to resolve this issue in a positive way.
- The community will support development and implementation of mixed-use model projects involving old industrial buildings in the areas south of Blue Rock Avenue into mixed-use buildings with residential and commercial uses.
- The community will create a “big box” task force to deal with both desired and unwanted advances on the neighborhood. The task force will work with interested developers on issues of appropriate location, design and site functionality.

Enhance & Connect Green space:

- Create green space at Badgely Run Park from the old right-of-way land of the Colerain Connector project. Completion of the park and associated green space is the community's top green space priority.
- Develop a landscape program for new commercial mixed-use areas.
- Develop a green space trust, which will purchase and hold property to convert into green space.

COMMUNITY INVOLVEMENT

The plan was prepared by the Northside Land Use Plan Steering Committee, the Community Building Institute and other stakeholders. These stakeholders included new and longtime residents, business owners, property owners, school officials and representatives, parents, and interested developers.

COMMUNITY RESPONSE

Staff has not received any information from residents about the proposed plan.

DEPARTMENT CONCERNS

DCDP staff circulated the plan to several city departments to obtain input on the strategies prior to presentation of the plan to CPC. The following is a list of concerns from City departments:

DCDP:

- We commend the neighborhood for their hard work, however this plan appears to be a neighborhood action plan and not a land use plan as currently written.
- The current plan is the same as the 2005 plan previously submitted. The Northside Steering Committee had agreed to change following items at a meeting held on October 20, 2005.
 1. Change the name of the plan. The plan includes such items as education & cultural diversity, a community fund, a marketing program and other issues that are not associated with a land use plan. This is a Neighborhood Comprehensive Plan or a Comprehensive Community Strategy that includes a land use element.
 2. Simplify the zoning recommendations so that it would be easier for the CPC to accept or approve.
 3. Make the map on page 22 an existing zoning map.
- The plan does not show any recommendations for future land uses. This is a major component for a land use plan. The future land uses in the plan is needed to support and justify any future zoning needed in the neighborhood. This focus is not clearly displayed in this plan.

- The plan appears to rely on 38 neighborhood zone changes to guide the goals & objectives of the plan including a new recommended “MG-NSO” Manufacturing General-Northside Overlay District.
- As written, approval of the plan could imply that the proposed zone changes are appropriate prior to a zoning study being completed.
- Some of the proposed zoning designators on page 78-85 are not part of the City of Cincinnati Zoning Code.
- The proposed PD Planned Development Districts in the plan do not meet the PD guidelines as outlined in the Zoning Code.
- The format of the plan makes it hard to follow. For example, the existing conditions, analysis and recommendations for the plan need to be reorganized so that the reader can see the story being told and understand the reasons for the requests being made.
- Staff believes that all zoning recommendations included in the plan on pages 76-85 should be recognized as an element of the plan, but reviewed separately as a zoning study request after a decision has been made regarding the plan. For that reason staff recommended that the Plan identify the areas the community feels should be rezoned, and provide an explanation for the rezoning. Instead, the plan identifies specific zoning designations for specific properties. Therefore, approving the Plan may imply that the zone changes are appropriate prior to staff completing a zoning study. Staff has not determined the merits of each of the requested zone changes. However, staff has determined that the PD designations as requested do not meet the PD guidelines as outlined in the Zoning Code.

Park Board:

- It is clear that the community values the green spaces in and around Northside and recognizes the importance of green space to the character of the neighborhood and to its quality of life. We could not agree more.
- The plan refers to enhancing the connections between the neighborhood’s green spaces such as Mt. Airy Forest, Greeno Woods, LaBoiteaux Woods and Buttercup Valley, for example. This is consistent with the Park Board’s plan.
- A number of “pocket parks” are proposed on page 65, a “green space entry park” is proposed on Spring Grove Avenue (page 62) and there are several references to a “green space connector” along the former railroad right-of-way, which cuts diagonally across part of lower Northside. None of these sites are now contemplated as new parks within the Park Board’s plan. The Park Board, due to their small size and relatively high maintenance cost, does not recommend “Pocket parks”. If these facilities are desired by the community, we suggest that other entities be approached to build and maintain them.

- The Park Board currently operates and manages Hoffner Park, Jergens Park and the preserves of Parkers Woods, Buttercup Valley, LaBoiteaux Woods, Greeno Woods, Bradford-Felters Tanglewood, Fox Preserve, Mt. Airy Forest and properties along the Colerain Connector. Additionally, we partner with the Mill Creek Restoration Project on their efforts to improve the Mill Creek and create a trail system along it. Given the large amount of green space in and adjacent to Northside, plus the presence of Spring Grove Cemetery, we do not see the need to create new City parks within the neighborhood. Even if capital funding could be made available to develop new parklands, the costs of maintenance would be problematic.
- References to the Colerain Connector Plan imply that the Park Board may be involved in creating parks and recreation sites as envisioned in the plan. The Park Board will only be involved in certain aspects of the plan and only, as capital and operating funds are made available to build and maintain these elements. Generally these are to include large areas of contiguous green spaces and trails within those areas. We also will remain involved in trail and green space connections between the Colerain Connector corridor and Mt. Airy Forest. Features such as playgrounds, a skate park and smaller park sites within this corridor are not supported by the Park Board, and should instead be pursued with the Recreation Commission, or as part of the development of new housing, or through other entities.

Metropolitan Sewer District of Greater Cincinnati:

- Northside is serviced by combined sewers so there will be connection credit issues for virtually any added flow. For example, most recently MSD has worked to establish credits for residential development along Kirby Road near Ashtree Drive, and is currently working with the engineer for the American Can site.
- MSD has recently received several requests for sewer availability for proposed new restaurants in the area. Credits will likely be a difficult issue to navigate.
- Sewage needs/issues must be considered when looking at changes in land use. Increased flows in this area may be very difficult to offset with sewer credits. Please inform MSD as early as possible when development plans call for increased flow into our infrastructure.
- In those areas where there are proposed zone changes, MSD has several projects proposed.
 1. Nine Combined Sewer Overflow (CSO) Upgrade Projects,
 2. One High Rate Treatment Plant (HRT) project, and
 3. One 18 MGD Storage Facility Project

- The area of Northside that has the largest potential conflict with future sewers is the area along the Mill Creek to the south being identified for change from a Manufacturing General (MG) district to Northside Overlay (MG-NSO). MG-NSO would allow a mixed use of residential and live/work space along with manufacturing general.
- The MSD Capital Plan identifies 7 additional HRT and 13 CSO upgrade project sites that are not located in Northside but are within 5000 feet of Northside and the proposed MG-NSO location. Planning for these projects is scheduled out at 2020-22. It may be that a consolidation of project sites could lead to a larger footprint located within the MG-HSO area.
- From an easement standpoint, the cost of easements will only minimally be affected by zoning (commercial algorithms are higher than residential per square foot). As the area develops and becomes more condensed, any encumbrance upon a property and the proximity to residential property becomes greater thus potentially increasing easement costs.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

Accept the final Northside Comprehensive Land Use Plan (NCLUP) dated September 2006 and direct staff to initiate a zone change study to determine if the zone changes proposed in the plan are appropriate.

DISCUSSION

Mr. Ringer gave a brief history of the Northside Comprehensive Land Use Plan. He commended the neighborhood for creating the Plan and reviewed the staff concerns that were in the Staff Report. He explained that staff felt that the Plan was more of a Neighborhood Action or Strategy Plan.

Mr. Tarbell left the meeting at 11:33 a.m. and returned at 11:35 a.m.

Mr. vom Hofe agreed that the Plan looked like a vision for the neighborhood. He applauded the neighborhood for their efforts.

Mr. Faux asked if the staff concerns are the same as those raised two years ago. Mr. Ringer said that some were the same and that some were new. The major issues were in regards to zoning. Ms. Wuerstle explained the staff recommendations and gave examples of items that were of concern.

Mr. Faux explained that if the Plan was accepted it would be an unofficial guide. If the Plan was approved, it would serve as an official blueprint for neighborhood planning and development. Mr. Tarbell stated that anything less than approval would be symbolic.

Mr. Tim Jeckering, President of the Northside Community Council and Architect, gave a brief history of the neighborhood, community members involved in the creation of the Plan, the challenges they faced and the Plan itself. He stated that quality of life was the foremost consideration in the Plan.

Mr. Robert Sala, Northside Business Association President stated that the business members embraced the challenge to work together with community residents. He stated that the Plan was a land use plan couched in terms for the community to understand. He said he supported approval of the Plan.

Mr. Todd Kinskey, Northside resident and a Planner for Hamilton County, stated that an asset-based model was used to develop the Plan and that he considered it to be a true reflection of the neighborhood. He stated that he was disappointed that the Planning Staff criticized the Plan. He stated that since the Planning Department was dismantled, the City did not have the staff or the financial means to create a long-range plan for Northside. He stated that everyone who worked on the Plan was proud to have undertaken the challenge. He asked that the Commissioners approve the Northside Comprehensive Land Use Plan.

Mr. Bruce Demske, Chair of the MSB school, stated that many big companies came to the table to work on this plan. He said he was surprised with the staff report and stated that Northside was a neighborhood that works together. He said he supported approval of the Plan.

Ms. Wuerstle explained that the proposed PD Planned Development Districts in the plan have multiple owners and therefore do not meet the PD guidelines as outlined in the Zoning Code. She stated that she also had concerns regarding the hillsides/PD Districts proposed in the Plan.

Ms. McCray asked if the Plan could be approved without approving the zoning changes. Ms. Julia Carney, Law Department, stated that the Plan could be accepted or approved in that manner. Mr. Dohoney stated that he was in favor of approving the Plan.

Ms. Liz Bloom, consultant and former City Planning Director, stated that a great deal of time and effort went into creating the Plan. She stated that she felt that the concerns of the staff were merely semantics. She urged the Planning Commissioners to respect the work of the Northside residents.

Mr. Jason Tonne, Attorney representing Ace-Doran Hauling and Rigging Company, stated that his client has some of the same concerns voiced by staff. He stated that Ace-Doran operates truck terminals and docking and owns ten different properties. He stated that some of the zone changes shown on the Plan do not accurately reflect the current use

and that a zoning study was needed. He stated that his client supported the staff recommendations.

Mr. Jim Humble stated that he felt the Plan would correct zoning errors that were made when the new Zoning Code was created and supported approval of the Plan.

Mr. Chris Dourson, Planning Student at the University of Cincinnati, encouraged the Planning Commission to approve the Northside Plan.

Motion: Mr. Tarbell moved to **Approve** the final Northside Comprehensive Land Use Plan (NCLUP) dated September 2006 and not accept the staff report recommendations.
Second: Mr. vom Hofe
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

ITEM #9 A report and recommendation on a Plat of Dedication for Foxcove Court and Deercove Court of the Brodbeck Park Subdivision Phase Two in Westwood.

Mr. Steve Briggs, Senior Planner presented this item.

BACKGROUND:

J.T. King and Company registered engineers on behalf of the Glacid and Sons, LLC the owner and developer, submitted a Plat of Dedication for Foxcove Court and Deercove Court of the Brodbeck Park Subdivision Phase Two. The plat has been reviewed and approved by all reviewing agencies.

The City Planning Commission approved the Subdivision Improvement Plan for the construction of Foxcove Court and Deercove Court of the Brodbeck Park Subdivision Phase Two on July 15, 2005. The Cincinnati Home Builders Association of Greater Cincinnati announced on March 2, 2007 that Brodbeck Park Subdivision Phase Two is to be the next CiTiRAMA® scheduled for fall 2007. The City of Cincinnati has offered financial assistance for the infrastructure in support of new single-family housing proposed in CiTiRAMA®. The subdivision infrastructure work will be bid through City Purchasing, as it would be more cost effective and satisfy the scrutiny of the Cincinnati building trades. City Purchasing, however, will not accept specification bid packages for infrastructure work on private property. The scheduled work would be required to within a city controlled dedicated right-of-way or clearly defined permanent easement. Once the right-of-way is dedicated, the streets will be constructed according to the approved subdivision improvement plans.

DEDICATION:

The plat dedicates a 50-foot right-of-way for both Foxcove Court and Deercove Court and an adjoining 10-foot utility easement on both sides of the right-of-way. In addition, the plat identifies a public 20-foot sanitary sewer easement extending northward from Foxcove Court.

RECOMMENDATION:

The Community Development and Planning staff recommended that the City Planning Commission take the following action:

Approve the Plat of Dedication for Foxcove Court and Deercove Court for the reasons that the plat conforms to the Subdivision Regulations and has the approval of all reviewing agencies.

DISCUSSION

Mr. Briggs presented a brief overview of the proposal and stated that the City of Cincinnati has offered financial assistance for the infrastructure in support of new single-family housing proposed in CiTiRAMA®.

Motion:	Ms. McCray moved approval of Item #9.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

Mr. Schneider left the meeting at 12:30 p.m.

ITEM #8 A report and recommendation on an ordinance appropriating to public use property required for the Third/Linn/Dalton Street water main improvement project.

Ms. Jennifer Walke, Senior Planner presented this item.

BACKGROUND:

The City does not have the necessary easements to install a water main on a portion of the Third/Linn/Dalton Street water main project. This ordinance provides the City authority to appropriate four permanent easements on commercial properties that are needed for this project.

This project involves constructing a new 36" water main between Pete Rose Way at Central Avenue and Dalton Street at Seventh Street. The new water main is one of the three remaining projects required to connect the existing 36" water main at Pete Rose Way and Central Avenue with the existing 36" water main at River Road (US 50) and Evans Street. Once these three projects are completed, the proposed water mains will supply the Western Hills service area and Northern Kentucky with adequate additional water for at least the next fifteen years. This project was designed to incorporate the

most efficient and cost-effective alignments, minimize the number and size of the required easements, and will not necessitate any re-locations of persons or businesses.

The Third/Linn/Dalton Street water main project is scheduled to be bid in early 2007 with construction substantially completed in 2007. The estimated construction cost is over two million dollars with all funds provided from Greater Cincinnati Water Works. The other two projects are expected to have construction completed by the end of 2008.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following action:

APPROPRIATE to public use property required for the Third/Linn/Dalton Street water main improvement project.

DISCUSSION

Ms. Walke gave a brief overview of the staff report.

Motion: Ms. McCray moved approval of Item #8.
Second: Mr. Tarbell
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney and Mr. vom Hofe
Nays: None, **motion carried**

Mr. Dohoney left the meeting at 12:33 p.m.

ITEM #12 A report and recommendation on a proposed change in zoning from SF-2.0 Single Family District, ML Manufacturing Limited District and MG Manufacturing General District to PD Planned Development District at 2900 to 3400 River Road in the Riverside and Sedamsville neighborhoods to construct a mixed-use commercial development.

Mr. Steve Briggs, Senior Planner presented this item.

GENERAL INFORMATION:

Petitioner: Vandercar Holdings
Steven N. Dragon, P.E.
5057 Madison Road, Suite 200
Cincinnati, Ohio 45227

Purpose: To construct a mixed-use commercial development.

BACKGROUND:

The proposed mixed-use commercial development, named “The Yards” represents the redevelopment of a property that has been underused for many years along one of the City’s major western arteries, U.S. Route 50 (River Road). The project takes its name from the long history of the site as a major railroad yard and roundhouse operation. The property is approximately 65 acres in size. On the north the property has frontage on River Road and extends from its western end at approximately the intersection of Lilienthal Street to the intersection of Southside Avenue on its east end. The site is bounded on its south side by existing active rail lines.

The majority of the site – commonly known as the Conrail Site – was developed in 1924 as a railroad-switching yard with “Round House” maintenance facilities. Additionally, areas of the site have, in the past, been used for a variety of residential, industrial, and commercial activities.

In March 1997, City Council approved the purchase of the Conrail property. The site was vacant and unused except as a storage lot for empty 55-gallon drums. This site clearly would remain underused unless the City stepped in to remove the perception of contamination. The Riverside – Sedamsville Urban Renewal Plan (URP), dated July 1997, (Ord. #255-1997) included input from community members, business representatives and City agencies to design an acceptable industrial redevelopment that fit into the surrounding communities. At that time it was envisioned that the Conrail site would be a relocation site for the wholesale vegetable produce companies displaced by the construction of Paul Brown Stadium. Those companies chose to relocate elsewhere outside of the City.

Since 1997, the site remained undeveloped because of several issues including the lack of a committed user(s), cost of the infrastructure improvements, existing leasehold interests, and flood plain concerns. In February of 2002, the Port of Greater Cincinnati Development Authority (Port Authority) approached the City with a proposal. The City and the Port Authority began discussions with The Port Group (TPG), a developer of port facilities on inland waterways. At that time, TPG realized that if the Conrail site could be associated with property on the Ohio River it could take advantage of the sites intermodal capabilities access to river, rail and roadway. City Council approved the sale of approximately 40 acres of the Conrail site to TPG in 2003 and subsequently transferred the property to TPG in 2004 after existing leasehold interests were cleared. The site of 40 acres was to be developed by TPG as an industrial campus for tenants that perform value added services to products that are imported or exported using, rail or truck operations creating a minimum of 200 jobs. TPG was not able to realize their site development plan due the lack of available financing.

In 2005 and 2006 Vandercar/Coldspring began acquiring residential zoned property (eleven buildings) along the south side of River Road through contracts to purchase and the including TPG property. Vandercar/Coldspring representatives met with both Riverside and Sedamsville neighborhoods in 2006. On August 2, 2006 City Council authorized the sale of the remaining 20 acres that the City controlled. A change in zoning petition was subsequently submitted in early October 2006.

EXISTING CONDITIONS:

All parcels within the site are currently zoned SF-2.0 (eleven residential properties), ML Manufacturing Limited (steep hillside area south of River Road) and MG Manufacturing General.

The property surrounding the area for rezoning is as follows:

North: SF-2, SF-4, SF-6, RMX, CC-M, CC-A, (Single Family, Commercial General – Mixed and Auto and Residential Multi-Family Mixed)

West: RF-R and MG (Riverfront Recreational, Riverside Playground and Manufacturing General)

South: RF-M and RF-C (Riverfront Manufacturing and Riverfront Commercial)

East: RF-C (Riverfront Commercial)

SUMMARY OF THE CONCEPT PLAN:

The Yards may include up to 985,000 square feet of new retail building construction including both small and large format retail structures. In addition, the development may contain a multi-story office building of between 40,000 and 120,000 square feet. It is anticipated that the retail component of the development will be comprised of multiple large format single-story single-tenant buildings which will provide a combination of general and discount retail merchandising, retail grocery, department store, entertainment, and home improvement and garden center products and services. The remaining retail square footage will consist of small format retail users, specialty shops, service retail, restaurants, and financial institutions. The development may also include a hotel facility and multi-screen cinema.

The concept plan as submitted does not provide specific building locations. The concept plan provides large generalized areas for future development labeled; Retail Out Building, Parking Fields, Retail Buildings, Entertainment Buildings, Multi-Tenant Retail Buildings, Multi-Story Office Building and/or Hotel.

The following is a list of the proposed buildings, their proposed square footage and number of stories. No building is expected to exceed 100 feet in height.

Building	Square Footage	Height	No.
Retail Out Building (small box)	9,000 to 15,000 ea	32 ft	11
Retail Buildings (large box)	625,000 to 700,000	60 ft	6
Entertainment Bldg	See line above	60 ft	-
Multi-Tenant Bldg	120,000 total	50 ft	3
Multi-Story Office	40,000 to 120,000	100 ft	2
Hotel	See line above	100 ft	-

Specific buildings will be proposed in the future, as the commercial retail market will subsequently dictate the need for new structures. The emphasis of the Concept Plan, as submitted, is to establish a broad palette of uses and materials to entice potential commercial retail market end users to the property. This concept, not without merit and spirit, places the majority of design decisions at the Final Development stage after the PD District has been established by City Council. The City Planning Commission approves the Final Development Plan(s). The City Planning Commission's denial of a final development plan is subject to appeal to City Council.

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:

According to Section 1429-05 of the Cincinnati Zoning Code, a PD District and development within a PD District must comply with the following:

- (a) Minimum Area – The minimum area of a PD must be two contiguous acres. The site of the proposed Yards-River Road Retail development is approximately 65 acres.
- (b) Ownership – Vandercar/Coldspring has contracts to purchase all privately held property (45 acres) within the site and City Council passed Ordinance No. 223-2006 authorizing a contract for sale of the City of Cincinnati controlled land (20 acres).
- (c) Multiple buildings on a lot – more than one building is allowed on a lot. There will be up to twenty-two or more buildings on this site. There is an existing communication tower site that will remain.
- (d) Historic Landmarks and Districts – the site is not in a historic district nor does it contain any historic landmarks.
- (e) Hillside Overlay Districts – the site is not located in a Hillside Overlay District.
- (f) Urban Design Overlay District – the site is not located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:

According to Section 1429-09 of the Cincinnati Zoning Code, a petition to rezone a property to PD must include a concept plan and development program statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The concept plan must include text or diagrams that specify:

- (a) Plan Elements – the applicant has submitted a survey of the site, including a metes and bounds description and has included information regarding proposed commercial retail, entertainment, office, hotel land uses and building heights. The concept plan does not illustrate building location, streets and driveways, building set back lines, and open space. The concept plan has an elaborate text detailing “The Yards” Development Controls that function as a code document. The Development Controls section of the Concept Plan

provides details for Office Areas, Commercial/Retail Areas, Additional Development Standards, Parking, Sign Regulations and Architectural Guidelines. Permitted uses are listed.

- (b) Ownership – the applicant has contracts to purchase the majority of the property, and is in the process of acquiring the remaining public land area from the City of Cincinnati.
- (c) Schedule – Public improvements and site work are scheduled to begin in the second quarter of 2007.
- (d) Preliminary Reviews – The applicant received concept reviews from GCWW and MSD. The developer will continue to coordinate the infrastructure design with MSD, GCWW and other City departments including the Department of Transportation and Engineering (DOTE). A traffic impact study has been prepared and has been reviewed by DOTE. The traffic impact study has been accepted pending further refinements that include the widening of River Road to five lanes and additional signalization.
- (e) Density and Open Space – The Concept Plan text states that the project density will support up to 985,000 square feet of retail development and 120,000 square feet of office space on approximately 67 acres. It is anticipated that open space within the project will amount to approximately 6.5 acres of the total project site, or roughly 10 percent of the project site. The majority of the open space area will be along the site's frontage with River Road.

PLANS:

The Coordinated City Plan, Volume 2 (1980) identified this property as an industrial land use site in its Long-Range Recommendations, Map 2 (page 19). This property is within the Riverside – Sedamsville Urban Renewal Plan (URP), dated July 1997, (Ord. #255-1997). At that time it was envisioned that the former Conrail property would be a relocation site for the wholesale vegetable produce companies displaced by the construction of Paul Brown Stadium. The Riverside Comprehensive Plan was approved by the City Planning Commission in March of 2002 and the Sedamsville Comprehensive Plan was approved by the City Planning Commission in July of 2003. Both neighborhood plans are silent on future use and development of the former Conrail property.

PUBLIC COMMENT:

Public discussions regarding this development began before the application for a zone change was filed. Rumors that the proposed development would consist of big-box retail structures began circulating in 2005 when Vandercar/Coldstream was investigating the residential property south of River Road. On July 7, 2006 the City Planning Commission recommended disapproval of the sale of the former Conrail rail yard. A change in zoning petition was submitted on October 6, 2006.

A public Staff Conference was held on November 1, 2006. Most in attendance did not oppose the zone change and were in favor of a new commercial development on this site. A few were concerned about the future increased traffic that may arise as a result of this proposed development, and were interested in knowing the number and location points of

ingress and egress to the site. Representatives for the businesses located along Southside Avenue were clear in their disapproval with the proposed change from a manufacturing zone to a commercial land use. All were interested in being included in future discussions about the development. Staff received letters of support from the Riverside and Sedamsville neighborhoods. Staff also received letters in opposition from Southside Avenue area businesses.

CITY PLANNING COMMISSION ACTION:

According to Section 1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;

The Yards development is unique for this property. None of the applicable plans prepared for this area foresaw this property being a commercial retail market location. Given the fact that the property has been underused for an extended period of time, a change in future land use is warranted.

2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

The Yards development proposes various commercial uses to be located on the same site, with much-needed River Road infrastructure improvements that would make this property accessible to future retail consumers. The Concept Plan proposes uses that are not readily available to the Riverside and Sedamsville neighborhoods. The Manufacturing General zoning would not have allowed the flexibility needed to accomplish a commercial retail market development envisioned in this Concept Plan. The MG District would have limited retail sale and food markets, eating and drinking establishments to a maximum 10,000 square feet in size.

3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement;

The property, as currently zoned MG, would limit retail sale, food markets and eating and drinking establishment structures to a maximum 10,000 square feet in size.

4. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping,

buffering, pedestrian circulation, and traffic circulation, building design and building location.

All aspects are covered in the concept plan as written statements. The actual physical design schematics would be presented as part of a Final Development Plan submission during a phased implementation.

FINAL DEVELOPMENT PLAN:

Pursuant to Section 1429-13 *Final Development Plan*, a final development plan and program statement would be submitted to City Planning Commission after approval of the concept plan and Planned Development (PD) designation by City Council.

A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop; this plan must conform substantially to the approved concept plan and development program statement. The final development plan requirements anticipate changes from the concept plan by requiring significantly more detail. Approval of the final development plan would allow the developer to obtain building permits. The process allows the City Planning Commission to authorize Staff to approve minor amendments that might become necessary and outlines the process for major amendments that must be reviewed and approved.

CONCLUSIONS:

1. The re-zoning of the property at 2900 to 3400 River Road, to Planned Development is necessary for construction of the proposed commercial retail development, “The Yards”.
2. The applicant, Vandercar/Coldspring, has submitted a concept plan and development program statement and has technically met the basic requirements of the Planned Development District.
3. This concept plan, places the majority of physical design decisions concerning building placement and internal vehicular circulation patterns at the Final Development stage after the PD District has been established.
4. This concept plan is similar to Cincinnati’s zoning code with the exception that site aesthetic considerations have been omitted.
5. Beyond the 100 foot set back from a residential district boundary this commercial development is a 24-hour operation with few restrictions.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

1. **Accept** the concept plan for proposed commercial retail development, “The Yards”, with the condition that site aesthetic

considerations, landscaping and buffer yards, be added at the Final Development Plan stage; and

2. **Approve** the proposed change in zoning from SF-2.0 Single Family, ML Manufacturing Limited and MG Manufacturing General to PD Planned Development District at 2900 to 3400 River Road, located in the Riverside and Sedamsville neighborhoods.

DISCUSSION

Mr. Steve Briggs gave a brief overview of “The Yards” proposal. He presented a map and photos to illustrate the location, proposed landscaping and types of buildings listed in the proposal. He distributed and reviewed informational charts of allowed uses. Mr. Briggs added that the concept plan included double the level of signage allowed by the Zoning Code and reduced landscaping.

Mr. Faux stated that when the developers returned to the Planning Commission for approval of the Final Development Plan it would be more detailed and conform largely to the approved concept plan. He stated that if the large expanse of asphalt was approved in the concept plan, the Planning Commission would be required to accept it when presented in the Final Development Plan. Mr. Briggs concurred.

Mr. vom Hofe asked if a market study had been done to determine the viability of the proposed commercial retail development. Mr. Briggs stated that he was not aware of a study. He said that he had not received any resident complaints but that some businesses had expressed concerns.

Mr. Scott Phillips, Attorney representing business owner Mr. Eric Thomas, stated that his client is opposed to the proposal and felt that it would adversely affect his business. He read an excerpt from the Land Use Plan and stated that the site was uniquely suited for industrial use. He expressed concern regarding the increase in traffic and questioned the appropriateness of locating retail shopping adjacent to heavy industry. He stated that before changes are made, the Land Use Plan should be updated to ensure that the site is properly used. He stated that a Master Plan for the City is needed.

Mr. Thomas stated that he and six other business owners have concerns about mixing retail customer traffic with 80,000 pound semi trucks. He said that the nearby industrial businesses operate around the clock and sometimes handle hazardous materials. He said he felt the river is a major economic asset to the City and that it would be shortsighted to change the use and zoning of this property. He added that proper planning was crucial to the development of the City.

Mr. Faux stated that since Cincinnati does not have a Master Plan, the Planning Commission must make decisions on a piece-meal basis. He stated that the property had been vacant and undeveloped for 10 years.

Mr. Phillips stated that if the Planning Commission approves the proposal the property would be forever retail. He added that there was no buffer between the commercial and industrial boundaries.

Ms. McCray left the meeting at 1:10 p.m.

Mr. Dave Zelman stated that he felt the proposed commercial and retail development would be a gift to the community. He briefly described the history of the neighborhood and stated that the proposal would be a great benefit to the residents.

Mr. Gary Colegate, of Westway Terminal, stated that he supported the views of Mr. Phillips and was opposed to the proposed development.

Ms. Pamela Zelman, River Road resident, stated that the property is land locked and has no access to the river. She said that she felt retail and industrial uses were compatible and that people in her community wanted a convenient place to shop and conduct business. She stated that she felt the residents deserved a quality neighborhood and made an educated choice to support "The Yards".

Mr. Marty Dunn, representing Holsom, stated that the business owners are not saying that the neighborhood does not deserve retail opportunities. He said that there has not been market studies or full traffic studies. He stated that a full study needed to be completed prior to considering such a proposal. Mr. Rick Ritter, business owner, concurred.

Ms. McCray returned to the meeting at 1:21 p.m.

Mr. Tarbell left the meeting at 1:21 p.m.

Mr. Steve Dragon, of Vandercar Holdings, gave a brief overview of his proposal. He stated that his company worked with Martha Kelly, of DOTE, and resolve traffic issues. He stated that the current zoning places manufacturing adjacent to residential. The proposal would put a commercial transitional type zone between the two. He explained that the site had an long history of failed development proposals. He stated that Vandercar held public meetings and tried to address the concerns of the industrial business owners.

Mr. Tarbell returned to the meeting at 1:25 p.m.

Mr. Gary Meisner, of Vandercar Holdings, gave a brief presentation of the proposed landscaping and development of the site. He explained that the development was a power center anchored by big box users.

Mr. Tarbell asked if the site was located on a flood plain. Mr. Briggs stated that the site was dry in the 1997 flood. Mr. Dragon stated that fill material located at the site would be used to raise the development site out of the flood plain.

Mr. Tarbell asked the maximum height allowances for the buildings. Mr. Briggs answered that the office buildings on the east side would be one hundred feet and the remaining commercial buildings would be eighty-five feet.

Mr. Scott Thibaut, of Consolidated Grain and Barge, stated that without a Master Plan the City is doomed to failure. He said that he was concerned with the safety of passengers in private vehicles traveling alongside the heavy industrial traffic. This project will intersperse 80,000-pound trucks with families. There are currently about 80,000 trucks annually that travel to and from the industrial users.

Mr. Matthew Cornell, neighborhood resident, stated that the Riverside business district was destroyed in the 1950's. He said he felt the community deserves to have shopping, restaurants, theaters and other businesses. He stated that the City and the community do not have the money to create a new plan and supported the proposal.

Mr. Tony Gilday, lifelong resident, stated that the residents have peacefully coexisted with their industrial neighbors. He said that the neighbors are so much in favor of the proposal that they are willing to sacrifice eleven homes. He stated that the project would enable him to shop in his own neighborhood. He said he would take a Walmart over an industrial business any day.

Kim Gilday-Weber, President of the Riverside Community Council, stated that the Council supports the project and felt that it would breath a new life into the community. She stated that the Council has been involved with the proposal for over 18 months. She stated that "The Yards" was a great chance for private development. She stated that the local neighborhoods were underserved and urged the Planning Commission to support the project.

Doug Coles, President of the Sedamsville Civic Association, stated that the Association embraced the developer and felt the project would be a catalyst for development and growth in the area. He asked the Planning Commission to support the proposal.

Mr. Tarbell stated that this project has progressed because of the unanimous support system from the community. He said this project had to be a sign of hope for community members. He stated that he was uncomfortable approving the proposal in its current form.

Mr. vom Hofe stated that the community has expressed a desire for new job opportunities. He stated that the jobs that would be created by the proposed development would be low-paying retail orientated positions. He stated that he thought the community could do better.

Ms. McCray stated that the site deserves a higher and better use.

Mr. Faux stated that planning should focus on what is best for the City as a whole. He stated that the needs of the individual communities are also important. He explained that

decisions made on a piece meal basis are sometimes emotional decisions. He said that he suspected that the City Council would approve the proposal.

Mr. Tarbell stated that the Planning Commission needed to provide some avenue of hope to communities. He added that it was unique when communities rallied together in support of a project. Ms. McCray stated that the answer was beyond the control of the Planning Commission alone.

Mr. Tarbell asked what could be done to force the developer to come up with something more compelling? Mr. Briggs said the proposal could be held and the developer could be required to return with a proposal that adds back the aesthetic considerations, landscaping and buffer yards.

Mr. Faux stated that a market study would undoubtedly show that the developer would make money. What it wouldn't show would be the fiscal impact to the City which is a critical piece.

Mr. Tarbell stated that the design, with vast amounts of parking lots and big boxes, was a bit of a shock. He suggested holding the proposal and taking more time to work with the principals. Mr. Faux stated that he felt holding the matter would do little to change or improve the current situation. He said that it would be unfair to delay.

Ms. McCray moved to deny the proposal due to the size of the site and the need for an analysis that considers fiscal impacts.

Mr. Faux offered an amendment stating that the denial is consistent with the existing land-use plan and with the absence of a Master Plan, there is no basis for approval. Ms. McCray accepted Mr. Faux's amendment.

Motion: Ms. McCray moved denial of Item #12 and staff recommendations for the following reasons:

- 1) A site as large as this needs a fiscal impact analysis prepared to determine the impacts on the neighborhood and the City as a whole.
- 2) The proposed development is inconsistent with the existing Land Use Plan.
- 3) In the absence of a Comprehensive Master Plan for the City, and a fiscal impact analysis for the project, there is no basis for approval.

Second: Mr. Tarbell

Ayes: Mr. Faux, Ms. McCray, and Mr. Tarbell

Nays: Mr. vom Hofe, **motion carried**

ITEM #13 Item #13 was rescheduled to the April 6, 2007, Planning Commission Agenda.

ADJOURN

Motion: Mr. McCray moved to adjourn.
Second: Mr. vom Hofe
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, and Mr. vom Hofe
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____